



COMPLIANCE ADVISORY

Underground Storage Tank Regulation

March 2019

EPA regulates underground storage tanks to protect human health and the environment from petroleum releases. Compliance concerns include those related to the timeliness of required sump testing, spill prevention equipment testing, and overfill inspections. The purpose of this compliance advisory is to remind facilities of these regulatory requirements.

This compliance advisory is for facilities that are required to comply with EPA's underground storage tank (UST) regulation. It highlights some major UST owner and operator responsibilities and potential compliance concerns as EPA implements the 2015 UST regulation. The UST regulation requires owners and operators to properly operate and maintain their USTs. EPA, states, and territories regularly conduct compliance inspections to identify potential compliance violations and releases. Facilities that are not complying with the UST regulation are required to address their non-compliance issues.

The focus of this compliance advisory is on UST owners and operators in states without state program approval (SPA) and in Indian Country. For more information about the status of states with and without SPA, see EPA's website www.epa.gov/ust/state-underground-storage-tank-ust-programs#which. Note that owners and operators in states both with and without SPA must meet their state UST regulatory requirements.

As of October 2018, approximately 550,000 underground storage tanks nationwide store petroleum or hazardous substances. The greatest potential threat from a leaking UST is contamination of groundwater, the source of drinking water for nearly half of all Americans. EPA, states, territories, and tribes work in partnership with industry to protect the environment and human health from potential releases.

What Requirements Does This Advisory Highlight?

This advisory alerts owners and operators to the testing and inspection requirements in 40 CFR Part 280.35.

280.35 – Periodic testing spill prevention equipment and containment sumps used for interstitial monitoring of piping and periodic inspection of overfill prevention equipment.

UST owners and operators must test their spill prevention equipment every three years to ensure it works as intended and is able to hold liquid. In addition, UST owners and operators who use interstitial monitoring must test their containment sumps every three years to ensure the release detection is working and will contain product that escapes their USTs. Finally, this requirement includes inspecting overfill equipment every three years to ensure it is working as intended. Owners and operators were required to complete the first tests and inspections under this requirement by October 13, 2018.

To learn more about the requirements of the 2015 UST regulation, see EPA's website www.epa.gov/ust/revising-underground-storage-tank-regulation-revisions-existing-requirements-and-new.

What Are The Compliance Concerns?

As EPA is implementing the 2015 UST regulation, we observed the following compliance concerns at some UST facilities:

- Failure to complete required sump testing on time.
- Failure to complete required spill prevention equipment testing on time.
- Failure to complete required overfill inspection on time.

Disclaimer

This compliance advisory addresses select provisions of EPA regulatory requirements using plain language. Nothing in this compliance advisory is meant to replace or revise any EPA regulatory provisions or any other part of the *Code of Federal Regulations*, the *Federal Register*, or the Solid Waste Disposal Act. For more information on underground storage tanks, see EPA's website www.epa.gov/ust. For more information on enforcement, see EPA's website www.epa.gov/enforcement.